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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,072	06/28/2001	John J. Light	10559/497001/P11789	9527
20985	7590	03/28/2006	EXAMINER	
FISH & RICHARDSON, PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			HANNE, SARA M	
			ART UNIT	PAPER NUMBER
			2179	
DATE MAILED: 03/28/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/896,072

Applicant(s)

LIGHT ET AL.

Examiner

Sara M. Hanne

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the amendment received on December 16, 2004.

Claims 1-30 are pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 7-15, 17-25 and 27-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown US Patent 5461709.

As to claims 1, 11 and 21, Brown discloses selecting the object at an initial location using a cursor and moving the cursor from the initial location (column 2, lines 5-22, "starting point"); generating a reference plane extending through the initial location (figure 4, construction plane, column 2, lines 5-22), projecting movement of the cursor from the initial location to an interim point on the reference plane (column 2, lines 5-22 and column 8, lines 35-67, "tentative point"); projecting the cursor from the interim point on the reference plane to a final location on the drag plane (column 2, lines 5-22 and column 8, line 55 through column 9, line 20, "desired point") and rendering the object on the drag plane at the final location (figure 4).

As to claims 2, 12 and 22, Brown also discloses projecting the cursor from the interim point comprises rotating the reference plane onto the drag plane (figure 4, column 5, lines 5-30).

As to claims 3, 13 and 23, Brown shows calculating a first angle between a line of sight and the drag plane, wherein the line of sight is a line from a virtual camera to the object (column 5, lines 5-30), and determining a drag angle by using a larger angle of the first angle and a predetermined minimum angle (column 6, lines 39-60).

As to claims 4, 14 and 24, Brown also shows the reference plane being created using the drag angle (column 8, lines 35-67).

As to claims 5, 15 and 25, Brown teaches drag angle is measured from the line of sight to the reference plane (figure 4, column 6, line 39-62).

As to claims 7, 17 and 27, Brown demonstrates hiding the cursor from a user's view wherein the object is displayed while the cursor is hidden (column 6, lines 18-28).

As to claims 8, 18 and 28, Brown also demonstrates deselecting the object and displaying the cursor following deselecting (column 9, lines 15-30).

As to claims 9, 19 and 29, Brown provides moving the cursor to the location of the object, wherein the cursor is displayed at the location of the object (column 3, lines 35-54).

As to claims 10, 20 and 30, Brown also provides a virtual camera moves to keep the object in a user's view (column 5, lines 5-30).

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 6, 16 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown. Although Brown disclose of an angle (figure 4), it does not explicitly mention the minimum angle being 30. It is well known in the state of the art that the angle of figure 4 could be 30 degrees. The Examiner takes OFFICAL NOTICE. It would have been obvious to one of ordinary skill in the art, having the teachings of Brown before him, to modify the angle of figure 4 of Brown to be a 30 degree angle, as made known in the state of the art.

Response to Arguments

Applicant's arguments filed 12/16/04 have been fully considered but they are not persuasive.

In response to the applicant's argument that Brown fails to teach a drag plane and a reference plane as claimed, the examiner disagrees. As recited in the claims, Brown teaches a construction plane and other separate and distinct planes, in the teachings of the active and orientation planes (Col. 2 and Col. 8, lines 56 et seq.).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "moves the object 2 to the desired location through the use of a reference plane ..." and "folding reference plane 40 onto drag plane") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). It is not completely clear what is meant by citing this section of the specification, nor what is implied with respect to the claim limitations that the applicant feels Brown fails to teach. Brown clearly teaches separate and distinct planes and the limitations as cited *supra*.

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar virtual three dimensional systems further illustrating drag planes.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara M. Hanne whose telephone number is (571) 272-4135. The examiner can normally be reached on M-F 7:30am-4:00pm, off on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WEILUN LO can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smh



**WEILUN LO
SUPERVISORY PATENT EXAMINER**